

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2860

Introduced by Assembly Member Brown

February 19, 2016

An act to ~~amend Section 84909 of~~ *add Section 84905.5* to the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2860, as amended, Brown. Adult education: Adult Education Block Grant ~~Program~~. *Program: appeals board.*

Existing law establishes the Adult Education Block Grant Program under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. Under this program, the chancellor and the Superintendent, with the advice of the Executive Director of the State Board of Education, are required to divide the state into adult education regions and approve one adult education consortium in each adult education region, as specified. Existing law requires the chancellor and the Superintendent, with the advice of the executive director, to approve, for each consortium, rules and procedures that adhere to prescribed conditions. Existing law also requires, as a condition for the receipt of an apportionment of funds from this program for a fiscal year, that members of a consortium approve an adult education plan, as specified.

~~Existing law, for the 2016–17 fiscal year and each fiscal year thereafter, requires the chancellor and the Superintendent, with the advice of the executive director, to approve, within 15 days of the enactment of the annual Budget Act and in accordance with prescribed criteria, a final schedule of allocations to each consortium under the~~

~~program. Existing law specifies that, using the final schedule of allocations, the chancellor and the Superintendent are to either apportion funds to a fund administrator designated by the members of a consortium beginning no more than 30 days after approval of the final schedule of allocations or apportion funds to members of a consortium beginning no more than 30 days after receipt of final a distribution schedule from that consortium.~~

~~This bill would instead require the chancellor and the Superintendent to apportion funds directly to members of a consortium before the beginning of the fiscal year for which the allocation is to be made. *give a consortium member the right to submit an appeal to the Adult Education Block Grant Appeals Board, which the bill would establish and that would consist of the Chancellor of the California Community Colleges, the Superintendent of Public Instruction, and the Executive Director of the State Board of Education. The bill would set forth the conditions under which an appeal could be submitted, and would provide for procedures and timeframes in accordance with which the appeals board would be required to schedule a hearing on an appeal and post a decision.*~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84905.5 is added to the Education Code,
- 2 to read:
- 3 84905.5. (a) A consortium member shall have the right to
- 4 submit an appeal to the Adult Education Block Grant Appeals
- 5 Board, which is hereby established. The members of the appeals
- 6 board shall be the chancellor, the Superintendent, and the executive
- 7 director.
- 8 (b) A consortium member or members may submit an appeal,
- 9 in writing, for either of the following reasons:
- 10 (1) The consortium has been unable to obtain the approval of
- 11 its rules and procedures pursuant to Section 84905.
- 12 (2) The consortium has failed to distribute funds pursuant to
- 13 Section 84914 in any fiscal year.
- 14 (c) When an appeal is submitted pursuant to subdivision (b),
- 15 the Adult Education Block Grant Appeals Board shall first
- 16 determine if the appeal satisfies the requirements of subdivision

1 (b). The appeals board shall make this determination within 30
2 calendar days after receipt of the appeal.

3 (d) If the appeals board finds that an appeal meets the
4 requirements of subdivision (b), the appeals board shall schedule
5 a meeting for purposes of hearing the appeal. The hearing shall
6 be scheduled in accordance with the Bagley-Keene Open Meeting
7 Act (Article 9 (commencing with Section 11120) of Chapter 1 of
8 Part 1 of Division 3 of Title 2 of the Government Code), and shall
9 be held within 60 calendar days of the determination made by the
10 appeals board pursuant to subdivision (c).

11 (e) The appeals board may request additional information from
12 the appealing consortium member or from the affected consortium
13 in order to assist the appeals board while it is hearing the appeal.

14 (f) The appeals board shall post its decision on an appeal on
15 the Internet Web site of the chancellor within 30 calendar days of
16 the hearing. The decision of the appeals board on an appeal heard
17 pursuant to this section shall be final.

18 ~~SECTION 1. Section 84909 of the Education Code is amended~~
19 ~~to read:~~

20 ~~84909. (a) This section shall apply commencing with the~~
21 ~~2016-17 fiscal year.~~

22 ~~(b) The chancellor and the Superintendent, with the advice of~~
23 ~~the executive director, shall approve, no later than February 28 of~~
24 ~~the prior fiscal year, a preliminary schedule of allocations to each~~
25 ~~consortium of any funds proposed in the Governor's Budget for~~
26 ~~the program.~~

27 ~~(c) The chancellor and the Superintendent, with the advice of~~
28 ~~the executive director, shall approve, within 15 days of enactment~~
29 ~~of the annual Budget Act, a final schedule of allocations to each~~
30 ~~consortium of any funds appropriated by the Legislature for the~~
31 ~~program.~~

32 ~~(d) The chancellor and the Superintendent shall determine the~~
33 ~~amount to be allocated to each consortium based on the following:~~

34 ~~(1) The amount of funds apportioned to the members of that~~
35 ~~consortium in the immediately preceding fiscal year.~~

36 ~~(2) That adult education region's share of the statewide need~~
37 ~~for adult education.~~

38 ~~(3) That consortium's effectiveness in meeting the educational~~
39 ~~needs of adults in the adult education region based on available~~
40 ~~data.~~

- 1 ~~(e) Using the final schedule approved pursuant to subdivision~~
- 2 ~~(e), the chancellor and the Superintendent shall apportion funds~~
- 3 ~~directly to members of a consortium before the beginning of the~~
- 4 ~~fiscal year for which the allocation is to be made.~~

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